

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application Number	: 10/734,161	Confirmation No.:	2165
Applicant	: Kevin T. FOLEY		
Filed	: December 15, 2003		
Title	: METHODS FOR PERCUTANEOUS SURGERY		
TC/Art Unit	: 3738		
Examiner:	: David H. WILLSE		
Docket No.	: 64118.000045		
Customer No.	: 21967		

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**LETTER**

On September 25, 2006, the Patent Office issued two separate Office Communications namely (1) an Interview Summary and (2) a Notice requiring applicant to supplement the Reply filed on July 6, 2006.

In response to the first Communication, applicant notes that the accompanying Interview Summary provided a "Substance of Interview" as set forth by Examiner Willse as well as a statement that "The formal written reply to the last Office Action must include the substance of the interview or, if a reply has already been filed, applicant is given a non-extendable period of the longer of one month or thirty days from ... the mailing of this interview summary form." To this end, applicant advises the Examiner that it did indeed already file such "Substance of Interview" at the Patent Office on August 21, 2006. Such paper appears to have been received by the Patent Office, but is listed as a six page Information Disclosure Statement filed on August 21, 2006, because it was concurrently filed with an Information Disclosure Statement.

Accordingly, applicant believes it has already complied with the requirement to provide a Substance of Interview by virtue of this August 21, 2006, filing.

In response to the second communication, the Patent Office pointed out during the interview of August 4, 2006, that applicant had filed a Request for Interference under 37 C.F.R.

§1.607 prior to September of 2004, when the Patent Office implemented new interference Rules. The Patent Office requested that applicant provide a renewed Suggestion of Interference Pursuant to 37 C.F.R. §41.202 which complies with the new rules and which, in particular, includes:

1. A claim chart in a manner prescribed by 37 C.F.R. §41.202(a)(3);
2. A detailed explanation as to why the applicant will prevail on priority under 37 C.F.R. §41.202(a)(4);
3. A chart showing where the disclosure provides a constructive reduction to practice within the scope of the interfering subject matter under 37 C.F.R. 41.202(a)(6); and
4. A chart showing the written description in every application within a single one of the continuous chains of copending applications for each of the present claims.


To this end, applicant provides with this letter a new Suggestion of Interference Under 37 C.F.R. §41.202. The Suggestion includes the claim chart under Bd. R. 202(a)(3) as Appendix B; the detailed explanation why applicant will prevail on priority beginning at p. 10 of the renewed suggestion; the chart under Bd. R. 202(a)(6) as Appendix C; and the chart showing written description in the chain of applications as Appendix D.

In view of the filing of the new Suggestion of Interference and the arguments made previously concerning the clear written description support for the claims, it is respectfully submitted that the two criteria for entering into an interference are now met namely, (1) allowable claims and (2) an interference-in-fact under the two-way test with the claims of the identified patents.

If there are any questions regarding this Letter or the application in general, the Examiner is encouraged to contact the undersigned to expedite prosecution. No fees are believed to be due with the filing of this Letter and Suggestion of Interference. However, in the event any fees are necessary, please charge such fees, including fees for any extensions of time, to the undersigned's Deposit Account No. 50-0206.

Respectfully submitted,  
HUNTON & WILLIAMS LLP

Dated: 10/25/06

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